



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU GRANTS CONSENT FOR ACQUISITION OF CERTAIN ASSETS OF ADELPHIA BUSINESS SOLUTIONS BY BELL SOUTH

WC Docket No. 02-181

Pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 63.03, the Wireline Competition Bureau (Bureau) approves the application of Adelphia Business Solutions ("Applicant") requesting authority to transfer control to BellSouth of certain of its resale customer base (approximately 10,000 lines) existing in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee within BellSouth service areas.¹ Applicant is a debtor-in-possession subject to Chapter 11 bankruptcy proceedings, and states that the proposed transaction is a part of its reorganization initiatives. No comments or petitions to deny were received in response to the public notice announcing that the application had been accepted for filing.

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience and necessity, and therefore grants the requested authorization.² Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted

¹ See *Commission Seeks Comment on Application for Consent to Transfer Resale Customers from Adelphia Business Solutions to BellSouth*, Public Notice, 17 FCC Rcd 12881 (2002). The Bureau notes that action on this application was delayed as a result of late fee payment. Applicant's fee was due at the time of filing, May 23, 2002. However, actual payment was not received until April 14, 2003.

² See *Joint Applications of Telephone and Data Systems, Inc. and Chorus Communications, Ltd. For Authority to Transfer Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 22, 63 and 90 of the Commission's Rules*, Memorandum Opinion and Order, 16 FCC Rcd 15293, 15296-99 (CCB/WTB 2001) (authorizing transfer of control involving an incumbent LEC and in-region provider of local exchange and exchange access services primarily to business customers where overlap was limited and transaction overall resulted in public interest benefits); *Joint Applications of Onepoint Communications Corp. and Verizon Communications for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, To Transfer Control of Authorizations to Provide Domestic Interstate and International Telecommunications Services as a Non-Dominant Carrier*, Memorandum Opinion and Order, 15 FCC Rcd 24165, 24169-171 (CCB 2000) (concluding that incumbent LEC investment in a financially troubled telecommunications provider that, among other services, offered in-region resale service to only a limited number of customers – 11,000 lines – was in the public interest).

herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy Division, Wireline Competition Bureau at (202) 418-1578.

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